

SECOND REGULAR SESSION

HOUSE BILL NO. 1772

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES REHDER (Sponsor), WHITE AND BURLISON (Co-sponsors).

5272L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be known as section 290.589, to read as follows:

290.589. 1. This section shall be known and may be cited as the "Freedom to Work Act".

2. As used in this section, the term "labor organization" means any organization of any kind or agency or employee representation committee or union that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

3. No person shall be required as a condition or continuation of employment to:

(1) Become or refrain from becoming a member of a labor organization;

(2) Pay any dues, fees, assessments, or other similar charges however denominated of any kind or amount to a labor organization; or

(3) In lieu of the payments listed under subdivision (2) of this subsection, pay to any charity or other third party any amount equivalent to, or on a pro rata basis, any dues, fees, assessments, or other charges required of members of a labor organization.

4. Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed under this section is declared to be unlawful, null and void, and of no legal effect.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **5. Any person who directly or indirectly violates any provision of this section shall**
19 **be guilty of a class C misdemeanor.**

20 **6. (1) Any person injured as a result of any violation or threatened violation of this**
21 **section shall be entitled to injunctive relief against any and all violators or persons**
22 **threatening violations.**

23 **(2) Any person injured as a result of any violation or threatened violation of this**
24 **section may recover any and all damages of any character resulting from such violation or**
25 **threatened violation including costs and reasonable attorney fees. Such remedies shall be**
26 **independent of and in addition to the other penalties and remedies permitted under this**
27 **section.**

28 **7. It shall be the duty of the prosecuting attorney of each county and of the attorney**
29 **general of this state to investigate complaints of violation or threatened violation of this**
30 **section and to prosecute any person violating this section and to use all means at their**
31 **command to ensure the effective enforcement of this section.**

32 **8. This section shall not apply:**

33 **(1) To employers and employees covered by the federal Railway Labor Act, as**
34 **amended;**

35 **(2) To federal employers and employees;**

36 **(3) To employers and employees on exclusive federal enclaves;**

37 **(4) Where this section conflicts with or is preempted by federal law; or**

38 **(5) To any collective bargaining agreement or any other type of agreement between**
39 **an employer and a labor organization entered into before the effective date of this section**
40 **but shall apply to any new agreement or renewal or extension of any existing collective**
41 **bargaining agreement.**

42 **9. (1) This section shall apply only in any county that adopts the provisions of this**
43 **section as provided in this subsection.**

44 **(2) The governing body of each county may, by order or ordinance, adopt the**
45 **provisions of this section. No such order or ordinance adopted under this section shall**
46 **become effective unless the governing body of the county submits to the voters residing**
47 **within the county a proposal to authorize the governing body to adopt the provisions of this**
48 **section. Such proposal shall be submitted to the voters on the next date available to the**
49 **county for public elections under chapter 115 after the adoption of the order or ordinance**
50 **by the governing body. If a majority of the votes cast on the question by the qualified**
51 **voters voting thereon are in favor of the question, then the order or ordinance shall become**
52 **effective. If a majority of the votes cast on the question by the qualified voters voting**
53 **thereon are opposed to the question, then the order or ordinance shall not become effective**

54 unless and until the question is resubmitted under this section to the qualified voters and
55 such question is approved by a majority of the qualified voters voting on the question.

56 (3) The governing body of any county that has adopted the provisions of this section
57 may submit the question of repeal of the adoption of the provisions of this section to the
58 voters on any date available for elections for the county. If a majority of the votes cast on
59 the question by the qualified voters voting thereon are in favor of the repeal, that repeal
60 shall become effective on December thirty-first of the calendar year in which such repeal
61 was approved. If a majority of the votes cast on the question by the qualified voters voting
62 thereon are opposed to the repeal, then the provisions of this section shall remain effective
63 until the question is resubmitted under this section to the qualified voters and the repeal
64 is approved by a majority of the qualified voters voting on the question.

65 (4) Whenever the governing body of any county that has adopted the provisions of
66 this section receives a petition, signed by a number of registered voters of the county equal
67 to at least ten percent of the number of registered voters of the county voting in the last
68 gubernatorial election, calling for an election to repeal the adoption of the provisions of this
69 section, the governing body shall submit to the voters a proposal to repeal the provisions
70 of this section. If a majority of the votes cast on the question by the qualified voters voting
71 thereon are in favor of the repeal, the repeal shall become effective on December thirty-
72 first of the calendar year in which such repeal was approved. If a majority of the votes cast
73 on the question by the qualified voters voting thereon are opposed to the repeal, then the
74 provisions of this section shall remain effective until the question is resubmitted under this
75 section to the qualified voters and the repeal is approved by a majority of the qualified
76 voters voting on the question.

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